

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 27, 2004

DIVISION ONE

B165712 Sauer (Not for Publication)
v.
Chanin

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B162536 Casey (Not for Publication)
v.
Mattel, Inc.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B166191 Weathersby, et al. (Not for Publication)
v.
Quisic Corporation, et al.

The order denying the petition to compel arbitration is reversed. On remand, the trial court shall rule on the motion to stay the action. Appellants are entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

May 27, 2004 (Continued)

DIVISION TWO

B168485 People (Not for Publication)
v.
Dawson

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B170912 Los Angeles County, D.C.S. (Not for Publication)
v.
Reina A., et al.

The appeals are dismissed

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B164262 Azafrani (Not for Publication)
v.
Cohen, et al.

The order sustaining the demurrer without leave to amend is reversed and the trial court is directed to allow the complaint to be amended consistent with the court's opinion. Each party to bear its own costs.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

DIVISION TWO (Continued)

B166473 People (Not for Publication)
v.
Chavez, et al.

As to Chavez, the judgment is modified to strike the two-year criminal street gang enhancement imposed pursuant to section 186.22 in count 4 and to reflect a minimum parole eligibility of 15 years as to that count. In all other respects, the judgment is affirmed.

As to Trigueros, the judgment is modified to strike the three-year criminal street gang enhancement imposed pursuant to section 186.22 in count 4 and to reflect a minimum parole eligibility of 15 years as to that count. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B162753 Paneno (Certified for Publication)
v.
Centres for Academic Programmes Abroad LTD.

The order granting CAPA-UK's motion to quash is reversed. Paneno is entitled to his costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B163414 Ortiz (Not for Publication)
v.
Darwish

The punitive damages award is reversed. In all other respects the judgment is affirmed. The parties shall bear their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B167785 Crowell

V.

Downey Regional Medical Center Hospital

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B162277 Otero

 \mathbf{V}_i

Kaiser Foundation Health Plans Inc. et al.

Filed order denying petition for rehearing.

DIVISION THREE

B170966 People

(Not for Publication)

V.

Michael Timothy Jones

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B171767 People

(Not for Publication)

V.

Edward Lee Hoy

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B163951 People (Not for Publication)
v.
Jeremy Brandon

The judgment is modified to reflect 1,053 days of actual custody credit and 157 days of conduct credit, for a total of 1,210 days. The clerk of the Superior Court is directed to prepare a corrected abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

[illegible]

The order continuing wardship is modified by (1) striking the trial court's calculation of appellant's maximum theoretical period of confinement and remanding the matter to permit the trial court to comply with Welfare and Institutions Code section 702 and recalculate appellant's maximum theoretical period of confinement consistent with the views expressed in this opinion, and (2) modifying probation condition numbers 16 and 21, to read: "Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known by you to be an unlawfully armed person" and "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where you know users congregate," respectively. As modified, the order continuing wardship is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

May 27, 2004 (Continued)

DIVISION THREE (Continued)

B173921 Felix G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B165453 People (Not for Publication)
v.
Tae Hyong Kim

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B165757 People (Not for Publication)
v.
Lofton

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

May 27, 2004 (Continued)

DIVISION FOUR (Continued)

B168748 People (Not for Publication)
v.
Bodnar

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B167113 Lqi International, etc. (Not for Publication)
v.
Yee, et al.

The judgment is affirmed. The order denying Yee prevailing party status is reversed and the matter is remanded for the trial court to address what costs should be awarded to Yee. Appellant Yee's costs on appeal are awarded to Yee against respondent, and respondent's costs on appellant NCI's appeal are awarded.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B163849 Green, et al. (Not for Publication)
v.
Vars, et al.

The judgment is reversed. Appellant(s) to recover costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

May 27, 2004 (Continued)

DIVISION FIVE

B170077 People (Not for Publication)
v.
Dameco Trayvone Gates

The judgment is modified to impose penalty assessments in the sum of \$100 pursuant to Penal Code section 1464, subdivision (a) and \$70 pursuant to Government Code section 26000, subdivision (a). The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B167479 People (Not for Publication)
v.
Eddie Richardo Morejon

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B168524 People (Not for Publication)
v.
Johnny Rodriguez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B154311 Peggy Soukup (Certified for Partial Publication)
 v.
 Ronald Stock

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B164952 Alex Patapoff (Not for Publication)
 v.
 Nancie Reyes

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B167927 People (Not for Publication)
 v.
 Mercedes Navarrete

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

May 27, 2004 (Continued)

DIVISION FIVE (Continued)

B173155 People (Not for Publication)
v.
Kaveh Khaleghi

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B165114 People (Not for Publication)
v.
Glen Dale Evans

The judgment is affirmed.

Mosk, J.

I concur: Grignon, J.
I concur: Turner, P.J. (opinion)

[illegible]

This judgment is affirmed. We remand this matter to the trial court for a new sentencing hearing on whether defendant should be placed on probation because this is an "unusual case" where the interests of justice would be best served (Pen. Code, § 1203) and in this connection whether great provocation existed within the meaning of rule 4.413, in addition to "no recent record of committing crimes of violence." (*Id.*) We express no opinion as to whether, under the facts of this case, the defendant committed the crimes under circumstances of great provocation.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

May 27, 2004 (Continued)

DIVISION FIVE (Continued)

B169225 People (Not for Publication)

V.

Rufus Orlando Hicks

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.

Mosk, J.

B167702 People (Not for Publication)

V.

Sherrita White

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

B167305 People (Not for Publication)

V.

Ramiro Quiles, et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

May 27, 2004 (Continued)

DIVISION FIVE (Continued)

B167314 People (Not for Publication)
v.
Rodolfo Moreno

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B158986 Pamela Mozer (Not for Publication)
v.
Rene Kreitenberg, et al

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B168714 People (Not for Publication)
v.
Gary R. Johnson, et al.

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment which accurately sets forth the laboratory analysis fee and the penalty assessments imposed pursuant to Penal Code section 1464 and Government Code section 76000, subdivision (a) imposed against defendant, Gary R. Johnson, The judgments are affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

May 27, 2004 (Continued)

DIVISION SIX

B165206 Parmeter (Not for Publication)
v.
Kretzu

The judgments are affirmed. The County respondents shall recover their costs on appeal from appellant Parmeter. Parmeter shall recover her costs on appeal from Kretzu.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B170436 Department of Social Services (Not for Publication)
v.
Roberto H.

The judgment (order terminating parental rights) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B162086 People (Not for Publication)
v.
Rivera

We modify the judgment and order the abstract corrected to strike the firearm enhancement in count three. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

May 27, 2004 (Continued)

DIVISION SIX (Continued)

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The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

[illegible]

The judgment (order denying motion suppress evidence) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION EIGHT

B160417 People (Certified for Publication)
v.
Shabazz

In accordance with the views expressed herein, the abstract of judgment is hereby modified to strike the 25-year enhancement which was imposed on Count 1 pursuant to section 12022.53(d), and corrected to show the stay the trial court imposed on the 20-year enhancements which were imposed on Counts 6 and 7 pursuant to section 12022.53, subdivision (c). The superior court is directed to send a corrected abstract reflecting these changes to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

May 27, 2004 (Continued)

DIVISION EIGHT (Continued)

B161493 People (Not for Publication)
v.
Ammons

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B168658 People (Not for Publication)
v.
Beltran, et al.

The judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B155890 Gregory Lehman (Not for Publication)
B161787 v.
Theodore P. Byrne, et al.

The summary judgment is affirmed. The ruling on the motion to tax costs is affirmed. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

May 27, 2004 (Continued)

DIVISION EIGHT (Continued)

B169563 John B.
 v.
 Superior Court, Los Angeles County
 (Bridget B., r.p.i.)

Filed order vacating submission order of February 24, 2004. The court intends to issue a request for additional briefing pursuant to Government Code section 68081 within next 10 days..